

REMARKS

This Amendment is responsive to the Examiner's non-final Office Action of September 13, 2005. The Examiner's comments in that Action have been carefully considered.

Applicants respectfully request a three month extension of time to reset the due date for response from September 13, 2005, to March 13, 2006, and authorize the U.S. Patent and Trademark Office to charge the extension fee of \$510.00 to our account no. 10-0100.

It is noted that the previous Action was withdrawn on the basis of arguments submitted by applicants on July 29, 2005. However, the Examiner has raised a new ground of rejection related to all of the claims 34-45 on the basis of newly discovered art. More specifically, in paragraphs 2-15 of the Action, the Examiner has rejected the claims as being fully anticipated under 35 U.S.C. §102(e) on the basis of U.S. Patent Publication No. 2005/0176451 A1 to Helferich. Both independent claims 34 and 41 have similarly been rejected based on the same disclosures, figures and paragraph numbers in Helferich. The remaining claims have similarly been rejected, mostly on the basis of Fig. 1 in Helferich. For reasons more fully discussed below, the rejection on the basis of full anticipation by Helferich is respectfully traversed.

Initially, it is pointed out that claims 34 and 41 have been amended to correct informalities as well as more clearly define the invention. More specifically, claim 34 has been amended so that only at least one specific service need be requested, although two or more services may be requested. Claim 34 contained the recitation that requires the "storing" of the information by the mail center. Applicants have added a "whereby" clause to make clear that one of the functions of the mail center is to store the transmitted information so that it remains

accessible notwithstanding possible deletion of the information from either sending and/or receiving computers. Not only does the method provide one of the specified services discussed in the application, but the message, which is the subject of such transmission, can be accessed at a future date should it be important to verify the specific contents of the message sent. There are, therefore, two separate aspects to the method of the invention. First, to establish that a message was sent, in some specified manner, but also the nature or content of the information sent.

Claim 41 has been amended to now also require that the information sent from the sending computer to the mail center is at least stored at such mail center. This may become an issue at a future time if there is a dispute between the parties as to whether information was sent and/or the contents of that information. The method, in accordance with the present invention, enables and facilitates the parties to establish, even in a legal sense, that both parties were aware of the information and the nature of the information involved.

As for the rejections, it is respectfully submitted that Helferich does not teach or even remotely suggest the claimed invention. The applied publication discloses a system and method for adding information to a directory stored in a mobile device. It has little or nothing to do with the subject matter of the present invention, disclosed in the application and recited above and in the amended claims.

More specifically, Helferich is primarily concerned with voice-paging systems, cellular telephone systems, text-paging systems, voicemail systems and conventional land line systems. An integrated mail gateway is apparently provided only so it can be programed to create an electronic mail message consisting of a voice message. The integrated mail gateway is also

programed to use addressing information to address the e-mail message and to send the addressed e-mail message to a recipient (col. 2, para. 0014). After an e-mail message has been addressed, the message can be sent to the first user. Upon receiving the message, the first user's messaging device can play the voice reply associated with the original visual message so that the voice reply message is heard by the first user. The entire invention is directed to mobile telephone technology and is intended to carry out a process known as "call completion," a process highly desired among mobile telephone companies because additional calling generates more revenue and therefore it is desirable to increase reply traffic in wireless environments. While the patent publication does disclose the use of a mail server in certain circumstances, the mail server is intended to receive visual messages sent from messaging devices, the retrieved visual messages from the mail server being then reformatted for wireless transmission (col. 7, para. 0082-83). It appears, then, that Helferich has little or no relevance for the subject invention.

This lack of relevance is believed to be further confirmed by the fact that Helferich has been classified in class 455, subclasses 412.1 and 466. Class 455 relates to telecommunications. While subclass 412.1 is for message storage or retrieval, this subclass is indented under subclass 43 for radio telephone systems, and the definition for this subclass is that it covers subject matter in which radio-telephones are combined with a structure for retention of a message signal or for reproduction thereof. This compares with the classification of the earlier cited and now withdrawn reference to Tomkow (class 713, subclass 201) in the previous Action. Class 713 relates to electrical computers and digital processing systems: support. While class 713 appears to be much more relevant than class 455, it is of interest that under the classification definition of

subclass 412.1, class 713 is not even suggested as a class or subclass for further searching.

While an attempt can be made to read many references so broadly so as to read on the subject matter of the present invention, there should be a relevant one-to-one correspondence if a “full anticipation” rejection is to be made. Thus, for example, a patent for a telephone answering machine can broadly be read to provide a system for storing messages. However, like the Helferich publication, such a patent would really be unrelated and irrelevant to the specific recitations obtained in the claims. The present invention as defined, for example, in claim 34, requires that the mail center store transmitted information, in the context of the rest of the claim. There is no teaching or even remote suggestion that the mail services 5, 30 in Helferich will store information for the purposes designated and in the context of the remaining method steps.

In view of the foregoing, it is respectfully requested that the Examiner reconsider and withdraw the rejection on the basis of Helferich. This application appears to be now in condition for allowance. Allowance and issuance is, accordingly, respectfully solicited.

Applicant hereby petitions that any and all extensions of time of the term necessary to render this response timely be granted. COSTS FOR SUCH EXTENSION(S) AND/OR ANY OTHER FEE DUE WITH THIS FEE DUE WITH THIS PAPER THAT ARE NOT FULLY COVERED BY AN ENCLOSED CHECK MAY BE CHARGED TO DEPOSIT ACCOUNT #10-0100.

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Respectfully submitted,

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